

**Remarks/Arguments:**

**Introduction**

Claims 1-17 and 23-35 are pending. Claims 5-7, 15-17, 24, 25, 28, 29, 31, 32 and 34 are withdrawn from consideration. Claims 1-4, 8-14, 23, 26, 27, 30, 33 and 35 are being prosecuted on the merits.

Independent claims 1, 23 and 30 have been amended to describe that the color of the visual marker is visually different from the color of the releasable securement means. Support for these amendments may be found in the specification at page 5, lines 14-17, and page 9, lines 10-14. No new matter is introduced with these amendments. Entry of these amendments is respectfully requested to advance prosecution on the merits.

**Section 102/103 Rejections**

Claims 1-4, 8, 12-14, 23, 26, 27, 30, 33 and 35 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by US 5,653,748 to Strecker (hereinafter "Strecker"). Claims 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Strecker in view of US 5,480,423 to Ravenscroft et al. (hereinafter "Ravenscroft"). Applicants respectfully traverse.

Strecker and Ravenscroft, individually or in combination, fail to disclose, teach or suggest ) an apparatus comprising, *inter alia*, a visual marker having a first color and overlying the prosthesis intermediate the first and second ends and a means for releasably securing the prosthesis having a second color where the two colors are visually distinct from one and the other.

Thus, independent claims 1, 23 and 30 are patentably distinct over Strecker and Ravenscroft, individually or in combination. Therefore, reconsideration and withdrawal of the rejection of claims 1-4, 8-14, 23, 26, 27, 30, 33 and 35 are respectfully requested.

Application No.: 10/696,845  
Amendment and Response dated November 29, 2007  
Reply to Final Office Action of August, 31, 2007  
Docket No.: 792-114  
Page 9

**Summary**

Therefore, Applicants respectfully submit that independent claims 1, 23 and 30, and all claims dependent therefrom, including the withdrawn claims, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,

/John S. SOPKO, Reg. # 41321/  
John S. Sopko  
Registration No.: 41,321  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700